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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,867	01/31/2001	Richard Scott Kaufman	022919-00002	2097

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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,867

Applicant(s)

KAUFMAN ET AL.

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Eggleston et al. (6,061,660) (hereinafter Eggleston).

4. As per claim 1, Eggleston teaches a method of delivering and monitoring application modules, said method comprising the steps of:

Receiving a request from a host site's web page for an application module, where a user interacts with said application module to earn points (e.g. col. 5, lines 46-54);

Processing said request (e.g. col. 6, lines 38-45);

Returning said application module to said user (e.g. col. 24, lines 20-30);

Receiving point information from said user based on the user's interaction with said application module (e.g. col. 6, lines 47-52);

Processing said point information and updating an account for the user based on said point information (e.g. col. 6, lines 55-60); and

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Returning updated account information to said user (e.g. col. 7, lines 7-14).

5. As per claim 5, it is rejected for similar reasons as stated above.
6. As per claim 9, it is rejected for similar reasons as stated above.
7. As per claim 12, it is rejected for similar reasons as stated above.
8. As per claim 15, it is rejected for similar reasons as stated above.
9. As per claim 2, Eggleston teaches a method of delivering and monitoring application modules wherein said step of returning said application module comprises returning an application module comprised of dynamically generated HTML wrapped in a scripting language (e.g. col. 24, lines 25-35).
10. As per claim 6, it is rejected for similar reasons as stated above.
11. As per claim 10, it is rejected for similar reasons as stated above.
12. As per claim 14, it is rejected for similar reasons as stated above.
13. As per claim 16, it is rejected for similar reasons as stated above.
14. As per claim 3, Eggleston teaches a method of delivering and monitoring application modules wherein said step of receiving point information comprises receiving point information based on the user playing a game of chance presented by said application module (e.g. col. 1, lines 25-35).
15. As per claim 7, it is rejected for similar reasons as stated above.
16. As per claim 11, it is rejected for similar reasons as stated above.
17. As per claim 17, it is rejected for similar reasons as stated above.
18. As per claim 4, Eggleston teaches a method of delivering and monitoring application modules wherein said step of receiving information comprises receiving

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information from a plurality of users, each interacting with a respective application module by playing said game of chance (e.g. col. 13, lines 43-50).

19. As per claim 8, it is rejected for similar reasons as stated above.

20. As per claim 18, it is rejected for similar reasons as stated above.

21. As per claim 13, Eggleston teaches a method for updating a user's account information with a point engine interface wherein said step of receiving information that is not related to the user's interaction with an application module (e.g. col. 25, lines 15-20).

22. As per claim 19, it is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eggleston in view of Storey (6,009,412).

25. As per claim 20, Eggleston does not specifically teach a system wherein the host content providing means provides said point balance to said user node. Storey teaches a system wherein the host content providing means provides said point balance to said user node (e.g. Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eggleston and Storey. The motivation would have been for award balances to be communicated to the user node.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fm



JOHN FOLLANSBEE
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